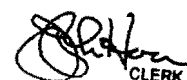


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

APR 14 2014


CLERK

UNITED STATES OF AMERICA,	*	
	*	CR 00-40059-03
	*	
Plaintiff,	*	
	*	
-vs-	*	MEMORANDUM OPINION
	*	AND ORDER
DANA WILLIAM LASICH,	*	DENYING MOTION TO AMEND
	*	CONDITIONS OF SUPERVISED RELEASE
	*	
Defendant.	*	
	*	

Pending before the Court is Defendant Dana Lasich's Motion to Amend Conditions of Supervised Release. Doc. 276. For the reasons set forth below, Defendant's motion will be denied.

In February of 2007 this Court denied Lasich's Motion for Leave to Alter or Amend Judgment in which he asserted his 10-year sentence of supervised release exceeds the statutory maximum of supervised release and asked that the judgment be altered to reflect a sentence of three years' supervised release pursuant to 18 U.S.C. § 3559. This Court found that based upon the 5 kilograms of methamphetamine that Defendant admitted distributing, his 10-year sentence of supervised release is required under 21 U.S.C. § 841(b)(1)(A). Doc. 272

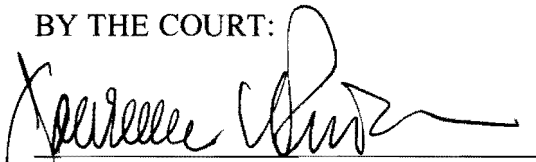
Defendant now contends that the conditions of supervised release conflict with the best interest of Defendant, conflict with the spirit of 18 U. S.C. § 3583, and are inconsistent with the plea agreement entered into by Defendant and the Government. 18 U.S.C. § 3583(e)(1), however, permits a court to reduce the term of a defendant's supervised release after that defendant has completed one year of his or her supervised release. Section 3583(e)(2) also permits courts to "extend a term of supervised release ... at any time prior to the expiration or termination of the term of supervised release." § 3583(e)(2). Courts are permitted to reduce terms of supervised release only under the circumstances set forth in § 3583(e)(1). Because Defendant Lasich is still incarcerated and has not completed one year of his supervised release, his motion is premature. Accordingly,

IT IS ORDERED that Defendant's Motion to Amend Conditions of Supervised Release

(Doc. 276) is denied without prejudice.

Dated this 14th day of April, 2014.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

(SEAL)

DEPUTY